

REMARKS

Summary of Office Action

Claims 1-47 are pending in the above-identified application.

Claims 14-16, 29-31 and 45-47 were withdrawn from consideration as being drawn to a nonelected invention.

The claims were subject to a restriction requirement.

Claims 2-3, 18-19, and 33-34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1-5, 13, 17-18, 21, 28, 32-34, 36 and 44 were rejected under 35 U.S.C. § 102(e) as being anticipated by Spagna U.S. Patent No. 6,896,133 ("Spagna").

Claims 1, 3, 6, 11, 17, 19, 22-23, 26, 32, 37-39 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Guttadauro et al. U.S. Patent Application Publication No. 2004/0040349 ("Guttadauro").

Claims 1-3, 5, 17, 21, 32, 34 and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hai U.S. Patent No. 6,651,811 ("Hai").

Claims 1-3, 5-8, 12, 17, 21-23, 26-27, 32, 36-39 and 42-43 were rejected under 35 U.S.C. § 102(b) as being

anticipated by Nakasuji U.S. Patent No. 5,896,985 ("Nakasuji").

Claims 1-3, 5, 17-18, 21, 32-33 and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Koch U.S. Patent No. 5,894,924 ("Koch").

Claims 1-5, 17, 20-21, 32 and 35-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rentch U.S. Patent No. 4,499,994 ("Rentch").

Claims 1-5, 17, 20-21, 32 and 35-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by MacDonald et al. U.S. Patent No. 4,425,999 ("MacDonald").

Claims 9, 24 and 40 were objected to as being dependent on a rejected claim. The Examiner admitted that these claims would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate this indication of allowable subject matter.

Summary of Applicants' Reply

Applicants respectfully disagree with the Examiner's rejections. However, in order to advance prosecution, applicants have canceled claims 1-8, 10-23, 25-39 and 41-47 and will only present arguments as to the allowability of claims 9, 24 and 40.

Applicants have amended claims 9, 24 and 40 to include all of the limitations of their respective base claims and intervening claims.

Applicants' Reply to the Restriction Requirement under § 121

The Examiner set forth a restriction requirement under 35 U.S.C. § 121 requiring applicants to make an election of the invention to be examined. During a telephone conversation with the Examiner, the under-signed made a provisional election without traverse of species I, claims 1-13, 17-28 and 32-44. Applicants hereby affirm this election.

Applicants' Reply to the § 112 Rejection

Claims 2-3, 18-19 and 33-34 were rejected under 35 U.S.C. § 112, second paragraph. In response, applicants have canceled claims 2-3, 18-19 and 33-34, rendering the Examiner's rejection moot. Applicants therefore respectfully request that the Examiner's rejection be withdrawn.

Applicants' Reply to the § 102 Rejections

Claims 1-8, 10-13, 17-23, 25-28, 32-39 and 41-44 were rejected under 35 U.S.C. § 102(e) and § 102(b) as being unpatentable over a number of references. In response, applicants have canceled claims 1-8, 10-13, 17-23, 25-28, 32-39 and 41-44, rendering the Examiner's rejection moot. Applicants therefore respectfully request that the Examiner's rejection be withdrawn.

Applicants' Reply to the Objections of claims 9, 24 and 40

Applicants have amended claims 9, 24 and 40 to include all of the limitations of their respective base claims and intervening claims. Neither claims 9, 24 and 40, nor their base claims and intervening claims were rejected under 35 U.S.C. § 112, second paragraph, and thus as amended, claims 9, 24 and 40 overcome the 35 U.S.C. § 112, second paragraph rejection.

Applicants respectfully request that the Examiner's objection be withdrawn and that, as amended, claims 9, 24 and 40 be allowed.

Conclusion

Applicants respectfully submit that, for at least the foregoing reasons, claims 9, 24 and 40 are patentable and that this application is in condition for allowance. Reconsideration and prompt allowance are respectfully requested.

Respectfully submitted,



Brian Mack
Reg. No. 57,189
Agent for Applicants
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090